

REPORT OF THE DEPUTY CHIEF EXECUTIVE

LICENSING SUB-COMMITTEE –17 DECEMBER 2012

LICENSING ACT 2003 – CONSIDERATION OF THE GRANT OF A PREMISES LICENCE

MCCOLLS, TRANSPORT INTERCHANGE, PARK LANE, SUNDERLAND

MARTIN MCCOLL LTD

1.0 PURPOSE OF REPORT

- 1.1 To consider an application for the grant of a premises licence in respect solely of the supply of alcohol for the above-mentioned premises.

2.0 DESCRIPTION OF DECISION

- 2.1 When determining the application the Sub-Committee is requested to have regard to the representations referred to in paragraph 4.0 below and to take such steps as they consider appropriate for the promotion of the licensing objectives. The steps may be: -

- a) to grant the application,
- b) to modify the conditions of the licence, or
- c) to reject the whole or part of the application.

3.0 INTRODUCTION/BACKGROUND

- 3.1 Relevant representations have been received in relation to the application and these are detailed at section 4.0.
- 3.2 A copy of the original application form is attached as Appendix 1. However, the applicant has amended the requested hours for the supply of alcohol to 08:00 to 20:00 everyday and the store opening hours to 06:00 to 20:00 everyday.

4.0 CURRENT POSITION

- 4.1 Representations have been received from Northumbria Police in relation to this application. A copy of their representations is attached as Appendix 2.
- 4.2 Representations have been received from two other organisations. Copies of these representations are attached as Appendix 3.

5.0 REASONS FOR THE DECISION

5.1 To determine the application as requested by section 18(3) of the Licensing Act 2003.

6.0 ALTERNATIVE OPTIONS

6.1 None submitted.

7.0 RELEVANT CONSIDERATIONS/CONSULTATIONS

7.1 There are no other considerations that require the attention of the Sub-Committee.

8.0 GLOSSARY

8.1 No acronyms or abbreviations have been used in this report.

9.0 LIST OF APPENDICES

Appendix 1 – Application Form.

Appendix 2 – Northumbria Police representations.

Appendix 3 – Representations from two other organisations.

10.0 BACKGROUND PAPERS

10.1 None

Appendix 1

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Martin McColl Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description McColls Sunderland Bus Station Transport Interchange Park Lane Sunderland			
Post town	Tyne and Wear	Post code	SR1 3NX
Telephone number at premises (if any)		0191 5654560	
Non-domestic rateable value of premises		£2,700	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Martin McColl Ltd
Address Martin McColl House Ashwells Road Brentwood Essex CM15 9ST
Registered number (where applicable) 298945
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 01277 372916
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
A	S	A P

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year
N/A		

Please give a general description of the premises (please read guidance note1)
 The premises are a brick built construction and presently trade as a convenience store but without the benefit of a Premises Licence. Included with this application is a layout plan which confirms that the whole of the retail sales floor area is proposed to be covered by this application. Alcohol will be displayed within the retail area in such positions where it can be supervised by a combination of direct staff supervision and/or CCTV. The CCTV system will form part of the due diligence system which will be operable at the store (images will be maintained for a minimum of 31 days) The due diligence systems will also incorporate the operation of a refusals record together with general staff training providing guidance upon both the legal and social aspects of selling alcohol. The Company also provide continual external support through test purchasing operations. The Licensable activities will take place between the hours as specified on page 17 of this application form. This is an overview of the type of premises.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

- | <u>Provision of regulated entertainment</u> | Please tick yes |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |
|
<u>Provision of entertainment facilities:</u> | |
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |
| <u>Provision of late night refreshment</u> (if ticking yes, fill in box L) | <input type="checkbox"/> |
| <u>Supply of alcohol</u> (if ticking yes, fill in box M) | <input checked="" type="checkbox"/> |

In all cases complete boxes N, O and P

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol! (please read guidance note 4)		
Mon	06.00	23.00			
Tue	06.00	23.00			
Wed	06.00	23.00			
Thur	06.00	23.00			
Fri	06.00	23.00			
Sat	06.00	23.00			
Sun	06.00	23.00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Steve Mahoney	
Address 18 Chiltern Close Chelmsford Essex	
Postcode	CM1 2GJ
Personal Licence number (if known) EZ09/00067	
Issuing licensing authority (if known) Chelmsford B C	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

These premises will benefit from a Premises Licence for consumption of alcohol off the premises only. there will be no adult entertainment in order to ensure compliance with legislation. The company will operate a ' Challenge 25' policy as a minium requirement whereby any person appearing to be aged 25 or under must prove that they are in fact over the lawful age of 18 for the purpose of sale of alcohol. Acceptable forms of identification as proof of age are a ten year passport, a photocard driving licence and an approved PASS logo proof of age card. All staff are obligated to familiarise themselves with these requirments. The company will operate a due dilligence policy, incorporating the minium challenge 25 policy as above, also incorporating full training for all staff, the operaton of a refusal record and refresher training on a regular basis.

This store will operate a fully recordable cctv system which is overtly operable. There will be a prominnet signage located throught the store confirming the legal minium age for the purchase of alcohol and the company pollicy.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	06.00	23.00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	06.00	23.00	
Wed	06.00	23.00	
Thur	06.00	23.00	
Fri	06.00	23.00	
Sat	06.00	23.00	
Sun	06.00	23.00	

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

We are a national retailer that sells alcohol as part of a broad offering of goods and services. We have held off-licenses in our stores for many years and are an approved British Institute of Inn-Keeping examination centre. We have written training policies and formal training programs are in place, which ensure our people are equipped to meet all licensing objectives. All training and revision / refresher materials are reviewed regularly. We have introduced our "Think 25" policy to all our stores, this policy is brought to the customers attention through point of sale material at the checkout and wherever alcohol is displayed for sale.

b) The prevention of crime and disorder

The premises has digital CCTV system that covers many areas of the shop floor, including the proposed area which will be used for display of beer and wine. High value alcoholic products such as champagne and spirits will be displayed behind the sales counter. Images are retained for a minimum of 31 days and made available on request by an authorised person.
A member of the Management team is on the premises all the time the store is open.

c) Public safety

A member of the Management team is on the premises all the time the store is open and is trained to manage the store including looking after the safety of the public.
The store adheres to all rules and regulations relating to public safety.

d) The prevention of public nuisance

These premises are proposed to be licensed for the consumption of liquor off the premises only. In addition to there being no consumption on the premises, there is no form of entertainment on the premises. There are no outdoor area utilised for the benefit of member of the public and the nature of the operation does not require the employment of door supervisors or use of dedicated cab firms. The store is an active member of the community and is always happy to liaise with police and enforcement authorities should the need arise.

e) The protection of children from harm

All staff are trained and have regular refresher training on the corporate "Think 25" policy. Staff are trained to look at the customer and "Think 25" when selling age restricted products. A till prompt will appear on the initial sale of alcohol that will remind the seller of the Think 25 policy and remind staff not to sell alcohol to anyone under the age of 18. The Company also provide continual external support through test purchasing operations. When alcohol is refused by the seller the refusal is recorded and refusals frequently checked on a regular basis by a Manager.
The store displays signage around the store informing both staff and customers of our "Think 25" policy.


Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	26 October 2012
Capacity	Licensing Practitioner

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Steve Mahoney Martin McColl Ashwells Road Brentwood			
Post town	Essex	Post code	CM15 9ST
Telephone number (if any)	01277 376357		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) smahoney@martinmccoll.co.uk			

Appendix 2

Sandra

NORTHUMBRIA POLICE



21 November 2012

Total Policing

Sunderland Area Command

Gillbridge Avenue Police Station
Gillbridge Avenue
Sunderland
SRI 3AW

Steve Mahoney
Martin McColl
Head Office
Martin McColl House
Ashwells Road
Brentwood
Essex
CM15 9ST

Tel: 101
Fax: 0191 563 6198

Cc: *Sunderland Council*

RE: Application for a new premises licence, Martin McColl's, Transport Interchange,
Park Lane, Sunderland

Dear Sir,

Northumbria Police are in receipt of the above application and wish to object on the grounds of crime and disorder;

The premises are situated in the busy city centre area of Sunderland next to the bus and metro interchange and contains a seating area outside of the premises. The location due to the seating and good transport links becomes an area where youths congregate and cause distress to local residents and reduces the quality of life for those living in the area. In this area complaints have been received from residents of youths gathering and using drugs/alcohol causing noise and general annoyance. This issue has also been raised by the staff of Nexus who work within Park Lane bus station/metro who detail numbers of youths gathering within the National Express waiting area.

The proposed DPS of the premises lives in Chelmsford, Essex, the Police believe that this will not allow the DPS to have day to day control of the premises.

CCTV is in place in the Park Lane area and is also provided by Nexus. Neighbourhood Police teams attend these areas on a regular basis speaking with numbers of youths who are present who sometimes have to be moved on.

Youth disorder is clearly related to the consumption of alcohol;

- Offences by youths, such as criminal damage, drunken disorderly behaviour and violence is often as a result of underage drinking.
- Youths under 18 are more vulnerable when drunk, particularly when they have been drinking excessively and when unsupervised as is often the case with street drinking.
- Significant public nuisance is also caused when groups of youths congregate in the Local area in the ready expectation of obtaining alcohol leaving broken bottles, causing criminal damage and behaving unsociably.

Yours faithfully

Sean McKenna
Chief Inspector
Sunderland Area Command
Northumbria Police

www.northumbria.police.uk

www.northumbria-police-authority.org

Appendix 3



BRITISH
TRANSPORT
POLICE

Sunderland Railway Station
Athenaeum Street
Sunderland SR1 3HP

Telephone: 0191 221 6991
Fax: 0191 221 6992
Email: Jeffrey.wade@btp.pnn.police.uk

Date: 23 November 2012

Dear sir,

I write with reference to the application from McColl's, Transport Interchange, Park Lane, Sunderland SR1 3NX for a premises license for the sale of alcohol between the hours of 0600 to 2300 Monday to Sunday.

I am a police sergeant with the British Transport Police based at Sunderland. The British Transport Police have jurisdiction on the majority of the the railways across the country. The Tyne and Wear metro system has a dual policing responsibility. Northumbria Police have jurisdiction on most of the system which has dedicated tracks and infrastructure for the sole use of metro trains. British Transport Police have jurisdiction on the remaining part of the system which is also used by heavy rail, this includes freight and passenger trains. Northern trains and Grand Central utilize the section of track between Pelaw and Sunderland. The part of the system policed by the British Transport Police is commonly known as the Sunderland extension , this extends from the east of Pelaw metro station to South Hylton metro station. There are 12 stations in all including the main railway station in the city centre of Sunderland. All of the stations on the Sunderland extension are policed by British Transport Police, this includes Park Lane Interchange metro station. The demarcation line at Park Lane Interchange is the entry into the metro station concourse.

The remaining part of Park Lane Interchange consists of the bus station and taxi ranks which are policed by Northumbria Police. The British Transport Police have a national strategic plan, the objectives of which include helping to make rail systems safer and more secure and also promoting confidence in the use of the rail system

The whole of the metro system is protected with byelaws to prohibit the drinking of alcohol from open containers, British Transport Police have a robust policy in relation to enforcing these laws which has resulted in a reasonably low level of offences being committed .It is feared that if alcohol was sold from a premise adjacent to the ParK Lane metro station that this could start to attract persons to the location to purchase and consume alcohol either inside the metro building or bus station. In addition the selling of alcohol for consumption off the premise may encourage people leaving the city centre area via the metro system to purchase alcohol and continue drinking on the metro system as they make there way to their destination. At the present time there is not an opportunity for persons to buy alcohol for consumption off the premises in such close proximity to the interchange. British Transport Police object to the granting of a license for Mc Coll's

With reference to the licensing objectives British Transport Police make the following representations;

Prevention of crime and disorder

If the retailer is granted a license to sell alcohol from its premises there is concern that levels of crime and disorder on the metro system will rise as alcohol is often a catalyst in a number of crime and disorder related matters that occur over the system. This will not just be related to the Park Lane area as people use the metro system to travel into and out of the city centre from all areas covered by the system.

Public safety

Passengers using the metro system need to feel safe when they are waiting for trains at stations or traveling on the system. Alcohol related incidents do not encourage people to use the public transport system and cause fear of being subjected to anti social behaviour.

Prevention of public nuisance

There are regular problems with persons causing public nuisance in the area of the bus station in the interchange, some are attracted as it is a dry indoor place where waiting is permitted. It is feared this behaviour could be displaced onto the metro system and cause problems for passengers and staff.

Protection of children from harm.

There are a number of secondary schools in the area of the Park Lane Interchange. A large number of pupils use the metro system for traveling to and from the area on a daily basis. The availability of alcohol in close proximity to the interchange may increase crime and disorder in the periods when children and young people are traveling.

I would be grateful if the above representations could be taken into account when considering the application for a premises license.

Yours faithfully,



Jeffrey Wade



Licensing Department
Sunderland City Council
Jack Crawford House
Commercial Road
Sunderland
SR2 8QR

Direct line 0191 202 0747

21st November 2012

Dear Sir

Re : Martin McColl Limited

I write with reference to the application from McColl's, Transport Interchange, Park Lane, Sunderland SR1 3NX for a premises licence for the sale of alcohol between the hours of 0600 to 2300 Monday to Sunday.

I represent Nexus, the Tyne and Wear Passenger Transport Executive which manages the Park Lane Interchange. Nexus is an 'interested party' as defined in the Licensing Act 2003 as Park Lane Interchange is in the vicinity of the McColl's premises.

Nexus objects to the granting of a premises licence and makes the following points:

- Park Lane Interchange is a busy bus station serving passengers in the City of Sunderland. There are 22 bus stands operating 40 services to the surrounding area with a footfall of around 6 million passengers per year. The Interchange also provides access to Park Lane Metro Station connecting passengers with the entire Metro system leading to South Tyneside, Newcastle, and North Tyneside.
- At present there is no shop selling alcohol within or immediately outside the interchange. McColl's is located on the outer side of the interchange and close to the entrance to the bus station and currently operates as a newsagent. Due to its proximity to the bus station it would provide easy access to alcohol for passengers waiting at the Interchange or passengers on their way to the Interchange.
- Passengers have expressed concern about their personal safety in the bus station due to anti-social behaviour. In a recent survey nearly 20% of passengers expressed concerns about personal safety at Park lane Interchange.
- There are daily incidents of anti-social behaviour in the bus station despite the presence of Nexus staff.
- Police are called to deal with more serious incidents approximately three times per week.

- Nexus employs 2 bus station staff to deal with passenger safety between 7am and 6pm, however they have a large area to patrol and have limited power to deal with anti-social behaviour. They have no power in terms of removing people from the premises.
- Nexus has seen the need to employ 2 evening security staff to deal with anti-social behaviour between the hours of 4pm and 12am.
- The number of incidents of anti-social behaviour in Park Lane Interchange has increased over the last year.
- Most reported incidents of anti-social behaviour are alcohol related and involve adults or young people whose loud and aggressive behaviour stems from the fact that they are intoxicated. Alcohol is regularly removed from people caught drinking in the Interchange as drinking is prohibited in the Interchange and Metro is an Alcohol Exclusion Zone.
- Nexus has had recent problems with young people using the interchange and the waiting room as a place to meet and congregate. Their behaviour has generated complaints and reports of swearing, fighting and general unruly behaviour which has frightened and alarmed passengers.

With reference to the licensing objectives, Nexus makes the following representations:

The Prevention of Crime and Disorder

If McColls is granted a licence to sell alcohol from its premises Nexus is concerned that the levels of crime and disorder will rise. As stated above, this is a location which already has problems with crime and anti-social behaviour and many of the incidents are alcohol related. Over the past 6 months police have arrested and charged a number of people with public order offences and assault as a result of incidents in Park Lane Interchange. If individuals who have already consumed alcohol before reaching the bus station have a further opportunity to buy more alcohol while they are waiting there, it is likely that crime and disorder will increase.

Public Safety

Passengers who use the bus station need to feel safe when they are waiting there or passing through to catch connecting buses or Metro. Nexus is actively campaigning to encourage more people to use Bus and Metro services. A key factor in encouraging people to use public transport is making sure people feel safe at bus stops, in bus stations and in Metro stations. Having more alcohol available close to a bus station, which already has experienced problems with anti-social behaviour, will have a negative effect on public safety.

The prevention of public nuisance

Nexus has daily problems with individuals and groups in the interchange causing public nuisance. Some groups use the interchange to gather as it is seen as dry, indoor place where waiting is permitted. These groups are constantly moved on by Nexus staff and they are regularly warned in relation to swearing, shouting and aggressive behaviour which causes fear and distress to passengers. Alcohol is a feature of this behaviour and individuals causing

nuisance have usually drunk alcohol before coming to the Interchange. Nexus's view is that this behaviour would escalate if alcohol was available so close to the Interchange. Bored young people using the Interchange as a place to gather would certainly attempt to obtain alcohol, or possibly put pressure on adult passengers waiting in the bus station to buy alcohol for them.

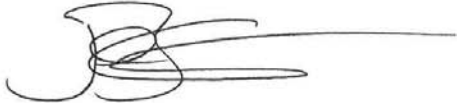
The protection of children from harm

The Interchange is used by a large number of children, either travelling with their parents or alone travelling to and from schools in the area. An increase in crime, anti-social behaviour and the availability of alcohol so close to the Interchange would have a harmful effect on these children. Whether they become the victim of a crime or whether they are simply caused fear or distress by drunken individuals shouting and swearing, the granting of the licence would not further the objective of protecting children from harm.

In summary, Park Lane is a busy Interchange and Nexus employs security staff to protect the safety of passengers and assets. Despite the constant staff presence, the Interchange continues to suffer from anti-social behaviour problems. Nexus's view is that the ready availability of alcohol at the Interchange will make the job of the staff more difficult, will increase passengers' fears and concerns and will lead to an increase in crime and disorder.

I would be grateful if the above representations could be taken into account when considering the application for a premises licence.

Yours faithfully,



John Souter

Operations Manager (Customer Services)

Nexus House St James' Boulevard Newcastle upon Tyne NE1 4AX
T: 0191 203 3333 F: 0191 203 3180 nexus.org.uk